

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 23579 of 2007(F)

PETITIONER:

**DR.K.S. JAYAKUMARI,
SUPERINTENDENT,
TALUK HEADQUARTERS HOSPITAL,
KOTTARAKKARA, KOLLAM DISTRICT.**

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

**1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT,DEPARTMENT HEALTH &
FAMILY WELFARE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**

**2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.**

ADDL. R3 IMPEADED

**3. AYISHA POTTY, MLA,
KOTTARAKKARA, KOLLAM DISTRICT**

ADDL. R3 IS IMPEADED AS PER ORDER DT. 20.8.07 IN IA.10673/07.

**BY ADV. SRI.B.S.SWATHY KUMAR - R3
SRI.BINDU SREEKUMAR
SRI.K.G.RENGANATH
GOVERNMENT PLEADER SRI.NANDAKUMAR - R1, R2**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO.23579/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER NO.G.O.(RT), NO.2738/07/H & FWD DT. 30.7.07.

EXT.P2:- COPY OF THE RESOLUTION ADOPTED ON 3.8.07.

EXT.P3:- COPY OF THE COMMUNICATION NO.BC2-83875/07/DHS DT. 13.9.07.

EXT.P3(a):- COPY OF THE COMPLAINT DT. 7.7.07 GIVEN BY THE 3RD RESPONDENT .

EXT.P3(b):- COPY OF THE COMPLAINT DT. 24.8.07 GIVEN BY THE 3RD RESPONDENT.

EXT.P4:- COPY OF THE COMMUNICATION NO.E.C.2-83875/07/DHS DT. 10.9.07.

EXT.P5:- COPY OF THE LETTER DT. 12.9.07 GIVEN BY THE PETITIONER.

EXT.P6:- COPY OF THE G.O.(P) NO.12/04/P&ARD DT. 10.9.04.

EXT.P7:- COPY OF THE ORDER NO.3180/A.R.13(2) /07 SDT. 26.4.07.

EXT.R3(1):- COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DAILY DT. 8.7.07.

/TRUE COPY/

P.A. TO JUDGE

V. GIRI, J.

WP(C).NO.23579 of 2007

Dated this the 12th day of November, 2007

JUDGMENT

Challenge in the writ petition is against Ext.P1 order of transfer. Petitioner alleged malafides in relation to Ext.P1. Petitioner has also impleaded the additional third respondent, on the premise that it is she who is responsible for the order of transfer as such. The allegations of malafides, insofar as the additional third respondent is concerned, is controverted by counter affidavit. The contentions raised in the writ petition have also been controverted.

When the matter is taken up today, Mr.Poonthottam submits that the order of transfer Ext.P1 has been revoked insofar as the petitioner is concerned. In the circumstances, it is not necessary at this stage to go to the merits of the case considering the validity of Ext.P1. I also make it clear that I have not gone into the allegations of malafides and the stand taken by the respondents in the counter affidavit as such, because it is unnecessary to do so, at this stage. Writ Petition is accordingly closed.

V. GIRI, JUDGE

CSS/